

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

04-CR-6026L

v.

FRANCESCO D. FRASSETTO,

Defendant.

The defendant previously filed a motion for return of property pursuant to Rule 41 of the Federal Rules of Criminal Procedure. By decision and order entered September 3, 2008, Frassetto was directed to provide an affidavit relating to the factual basis for his claim. By letter dated September 15, 2008, an Assistant Public Defender forwarded a letter which purports to be from Frassetto and also purports to be written to this Court requesting appointment of the Public Defender in the matter.

If that is a request for counsel, I deny that request at this time. The directive to Mr. Frassetto was quite simple and straightforward. The Government has set forth in a detailed affidavit circumstances under which a ring was provided to him by the FBI as part of its criminal investigation. Frassetto needs to respond to that and provide the information requested in my September 3, 2008 order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
September 18, 2008.